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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

JUAN CARLOS GONZALEZ,

Defendant and Appellant.

B214521

(Los Angeles County
Super. Ct. No. TA098440)

APPEAL from a judgment of the Superior Court of Los Angeles County, Paul A. Bacigalupo, Judge. Affirmed.

Vanessa Place, under appointment by the Court of Appeal, for Defendant and Appellant.

An amended information alleged that, defendant, Juan Carlos Gonzalez, committed the following offenses: aggravated assault of a child (Pen. Code,¹ § 269, subd. (a)(1) (count 1)); sexual penetration by foreign object (§ 289, subd. (a)(1) (count 2)); forcible lewd act upon child (§ 288, subd. (b)(1) (counts 3 and 4)); and lewd act upon child (counts 5, 6 and 7). (§ 288, subd. (a).) Counts 5, 6 and 7 were charged as lesser included offenses as to the other counts. A jury convicted defendant of a lesser included offense of lewd act upon child on counts 3 and 4. The jury found defendant guilty as charged in count 5. The jury acquitted defendant on counts 1 and 2. The trial court sentenced defendant to a 12-year term. Defendant was ordered to pay a restitution fine of \$500 (§ 1202.4, subd. (b)(1)) and a parole revocation fine of \$500. (§ 1202.45.) Defendant received a total presentence custody credit of 261 consisting of 227 days of actual custody plus 34 days of conduct credit. On December 4, 2009, on our own motion, we judicially noticed the abstract of judgment which was filed on March 26, 2009.

We appointed counsel to represent defendant on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. Instead, counsel requested this court to independently review the entire record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441. On November 4, 2009, we advised defendant that he had 30 days within which to personally submit any contentions or arguments he wishes us to consider. On November 13, 2009, the *Wende* notice was returned and re-sent to defendant at his correct address. No response has been received. We have examined the entire record and are satisfied that defendant's appellate attorney has fully complied with her responsibilities and that no argument exists favorable to defendant. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284; *People v. Wende, supra*, 25 Cal.3d at p. 441.)

¹ All further statutory references are to the Penal Code.

The judgment is affirmed.

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TURNER, P. J.

We concur:

ARMSTRONG, J.

MOSK, J.